

COUNTY OF YORK

MEMORANDUM

DATE: May 22, 2002 (BOS Mtg. 6/4/02)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Commercial Vehicle Parking Restrictions

In accordance with the Board's desires and direction, the staff has been working over the past several months to obtain guidance from the Virginia Department of Transportation as to the type and content of an ordinance that would be approvable by the Commonwealth Transportation Board. As the Board will recall from the information provided by the County Attorney, pursuant to Section 46.2-1222 of the Code of Virginia, York County has the authority to impose parking restrictions by class of vehicle along Secondary System roads, provided that the ordinance establishing the restrictions is approved by the Commonwealth Transportation Board. After a fairly lengthy series of meetings and discussions with a subcommittee of the Commonwealth Transportation Board and VDOT officials in Richmond, and after review of several draft ordinance proposals by the Attorney General's office, I am pleased to report to you that we have a draft (attached) that both offices have determined to be acceptable for CTB consideration and approval.

The major reason that this process has taken so long is that York County is the first locality that has sought to impose restrictions under this particular Code section (and the accompanying requirement for CTB approval). As a result, the CTB subcommittee and the VDOT support staff wanted to develop a review procedure that would cover York County's proposal, as well as any other jurisdiction that might apply under this Code section. Therefore, the draft ordinance attached for the Board's review includes, in addition to the provisions previously drafted by the County Attorney, a fairly lengthy description of the process VDOT wants followed in the consideration of such parking restrictions.

You will notice that the procedure indicates a need for CTB approval of both the initial ordinance and any subsequent amendments. At one point in our discussions with VDOT officials we were both in agreement that only the initial ordinance would need approval by the CTB and that subsequent amendments to add or delete streets would not. However, the Attorney General's office concluded that all subsequent amendments adopted pursuant to the authority provided by Section 46.2-1222 will require CTB approval and that will make any future amendment process more time-consuming. While there is no way to avoid this currently, the long-term solution would be to request in the next legislative package that York County be listed as one of the specifically-named localities in Section 46.2-1220 of the Code of Virginia, which provides a more general authority for local regulation of parking and does not require CTB approval.

The proposed draft ordinance attached for the Board's consideration is essentially the

same as was originally proposed by the County Attorney, re-organized slightly, and also supplemented to contain the procedural descriptions requested by VDOT. The following discussion summarizes the ordinance contents:

- ?? Section 15-43 includes changes to properly reference the section dealing with handicapped parking spaces (15-47.1) and the new section concerning the residential area parking restrictions.
- ?? Section 15-48(c)(1) sets out a statement of intent for the proposed restrictions that includes the safety, community character and aesthetic factors mentioned in previous discussions.
- ?? Section 15-48(c)(2) sets out three proposed classifications of vehicles. Separately designating the classifications was one of the recommendations made by VDOT staff in its review of earlier drafts. All of the definitions are the same as those previously proposed by the County Attorney. They have simply been divided into three distinct classes for clarity (and for ease of elimination in the event the Board wishes not to regulate one or more of the specific classes).
- ?? Section 15-48(c)(3) sets out the specific areas of the County where the vehicle parking restrictions would apply. It also stipulates that the restrictions do not apply to private streets, or to the commercially-zoned side of a street that happens to be the dividing line between a commercial and residential zoning district.

This proposed ordinance has been drafted under the premise that the Board would identify a relatively small number of specific residential developments and areas rather than all the residential subdivisions in the County. This is the approach favored by VDOT. In this draft, staff has listed those developments/areas that have specifically requested coverage (e.g., York Crossing, Glen Laurel) as well as those developments where the County's Code Enforcement staff has records of complaints concerning parking of non-residential vehicles. This list is suggested as a starting point for discussion and could shrink or grow before adoption of the ordinance depending on additional citizen input and discussion by the Board.

(Note: Although ordinance amendments can usually be adopted without re-advertising, the County Attorney advises that an amendment that adds territory (i.e., another street or streets) not included in the advertised draft may exceed the statutory requirement for 'descriptive notice' and, therefore, the amended ordinance should be re-advertised before adoption. Accordingly, if the Board decides it wants to add areas to the ordinance coverage based on comments received at the June 4th meeting, action should be deferred to allow the revised ordinance to be re-advertised).

- ?? Section 15-48(c)(4) sets out the procedure for consideration and adoption of the ordinance (and future amendments) and reflects the direction received by staff during recent discussions with VDOT officials in Richmond. Subsection (4)c.

lists some suggested criteria for selected areas to be covered by the restrictions, which is something that VDOT was very interested in having included in the ordinance.

Basically, the proposed procedure would include the following steps:

- ~~///~~ Step 1 – Board announcement of its intention to consider an ordinance and an invitation for citizens to suggest streets/subdivisions to be included.
- ~~///~~ Step 2 – Staff prepares draft ordinance and recommendations for vehicle classifications and areas to be restricted.
- ~~///~~ Step 3 – Board reviews draft ordinance and determines whether or not to advertise for public hearing
- ~~///~~ Step 4 – Public Hearing advertisement (legal ads, Channel 46, etc.) and transmittal of proposed ordinance to VDOT Williamsburg Residency for review
- ~~///~~ Step 5 – Public Hearing and action by Board of Supervisors
- ~~///~~ Step 6 – If adopted, Ordinance is transmitted to Commonwealth Transportation Board for review and approval
- ~~///~~ Step 7 – Approval by CTB; Ordinance becomes effective and County fabricates and installs regulatory signs.

Based on previous discussions and opportunities for citizen input, staff believes that Step 1 of the process has been satisfied and that the presentation of the attached draft ordinance satisfies Step 2.

- ?? Section 15-48(d) includes new language to indicate that the parking restrictions will not apply to vehicles temporarily parked/stopped for deliveries or pick-ups or while otherwise engaged in business activities.
- ?? Section 15-48(e) makes it clear that the County is responsible for posting the necessary regulatory signage and that it must comply with VDOT standards and permitting procedures.
- ?? Section 15-48(g) clarifies, at the direction of the Attorney General, that violations of the section are considered to be *traffic infractions*.

Conclusions

As requested by the Board last October, we now have guidance from VDOT officials as to an approach they and, in their opinion the Commonwealth Transportation Board, would deem acceptable for the regulation of parking by certain classes of vehicles. Based on the input received from VDOT, staff has drafted a proposed ordinance that we believe will address the problems and problem areas discussed by the Board and identified by citizens. Should the Board choose to adopt the proposed ordinance (or an amended version), it will require formal approval by the Commonwealth Transportation Board before it can become effective. Likewise, any subsequent amendments to add or

delete areas covered by the restrictions will require CTB approval unless the County can successfully request its inclusion under the legislative authority provided by Section 46.2-1220, which is something that I recommend the Board pursue.

Since the Board has had such extensive discussions about this issue, and since a call for public input was issued last year early in the Board's deliberations, I believe that the Board has satisfied Steps 1 and 2 of the suggested procedure. Subsequent to your May 21st decision to conduct a public hearing at the June 4th meeting, staff has transmitted the proposed ordinance to the VDOT Williamsburg Residency for review and comment and has also provided copies to the several homeowners associations that have followed this issue so closely over the past year. In addition, the public hearing has been publicized on Channel 46.

I believe that the proposed ordinance represents a reasonable and appropriate way to address the commercial and large-vehicle parking problems being experienced in certain residential neighborhoods. It is important to note that these proposed regulations address public streets only and that opportunities will still exist for parking some of these vehicles on residential lots, subject to conformance with current Zoning Ordinance standards. These opportunities and standards include:

- ?? Parking of commercial vehicles with a carrying capacity of 1-ton or less when the vehicle is used as transportation by the dwelling occupant to and from work; and, parking of recreational vehicles, cargo/utility trailers, provided that:
 - o Such vehicles/trailers may not be parked in a front yard or within 20 feet of a public road, except when on a driveway;
- ?? Parking of commercial vehicles of 1-ton carrying capacity or less when in conjunction with an authorized home occupation.
- ?? Parking of commercial vehicles with greater than 1-ton carrying capacity when in conjunction with a small contracting business home occupation authorized by the Board of Supervisors by Special Use Permit.

I recommend adoption of proposed Ordinance No. 02-08.

Carter/3337:jmc

Attachment: Photograph of large vehicle parking on York Crossing streets
Proposed Ordinance No. 02-08